

Patent
SFTGB Docket No.: 351901.1010
In re: Saker
Serial No. 09/981,585

REMARKS

This paper includes a complete and timely response to the final Office Action mailed March 29, 2005. Claims 1 - 3, 5, 6, 8 - 14, and 20 - 30 remain pending. Claims 4, 7, and 15 - 19 were previously canceled without prejudice, waiver, or disclaimer.

Applicant respectfully submits that pending claims 1 - 3, 5, 6, 8 - 14, and 20 - 30 are patentable over the cited art of record. Accordingly, reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Claim Rejections under 35 U.S.C. §103 - Claims 1 - 3, 5, 6, 8 - 14, 20, and 24 - 30

A. Statement of the Rejection

The Office Action indicates that claims 1 - 3, 5, 6, 8 - 14, 20, and 24 - 30 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Gordon (U.S. Patent No. 4,250,880), hereafter "*Gordon*" in view of Bierman (U.S. Patent No. 6,689,104), hereafter "*Bierman*."

B. Discussion of the Rejection - Claims 1 - 3, 5, 6, 8 - 14, 20, and 24 - 30

In order for a claim to be properly rejected under 35 U.S.C. §103, the combined teachings of the prior art references must suggest all features of the claimed invention to one of ordinary skill in the art. See, e.g., *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Applicant respectfully submits that claims 1 - 3, 5, 6, and 8 - 14 are patentable for at least the reason that the proposed combination of *Gordon* and *Bierman* fails to disclose, teach, or suggest each feature in the amended claims. Applicant further respectfully submits that claims 20 and 24 - 30, are patentable for at least the reason that the proposed combination of *Gordon* and *Bierman* fails to disclose, teach, or suggest each feature in these claims.

Specifically, Applicant's independent claim 1 includes at least the following features: "first means for encompassing a portion of a tubing assembly junction having a first end proximal to a first end of the sleeve . . . , the first means for encompassing a portion of the tubing assembly junction enabling observation of the tubing assembly junction within the length of the sleeve, the first end of the sleeve securing the first tube to the tubing assembly junction;" and "second means for encompassing a portion of the tubing assembly junction

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having a second end proximal to a second end of the sleeve and a portion of a second tube proximal to a second end of the tubing assembly junction, . . . the second means for encompassing a portion of the tubing assembly junction enabling observation of the second tube within the length of the sleeve, the second end of the sleeve securing the second tube to the tubing assembly junction," that are not disclosed, taught, or suggested by the proposed combination. Accordingly, claim 1 is allowable over *Gordon* and *Bierman*.

In this regard, *Gordon* (FIGs. 1 – 20) illustrates ribs 60 that traverse a trough-like section 58 of cradle 12. In operation, ribs 60 closely engage an annular ring coupled to a catheter hub 36 and a needle assembly 40. The closely spaced ribs 60 each contact a respective surface of the annular rings opposite from respective ends of what becomes a junction. Thus, the ribs 60 are not arranged and *Gordon* does not suggest first and second ends of a sleeve that secure first and second tubes at respective ends of the first tube and the second tube that form a tubing assembly junction. Stated another way, *Gordon* apparently discloses structures that contact intermediate surfaces, that is, surfaces that are not at the opposing ends of the tubing assembly. In this regard, FIGs 1, 2, 4, 8, 12, 14, 15, and 17 of *Gordon* all illustrate a tubing assembly that extends beyond the structures of the stabilizing fitting.

In contrast with *Gordon*, Applicant's connector sleeve comprises first and second means for engaging first and second ends of respective tubes that form a tubing junction.

Bierman, in FIGs. 1 – 16 illustrates multiple mechanisms for preventing the longitudinal, lateral, and transverse movement of multiple fixtures 12. Each of the multiple mechanisms are centrally located with respect to base 34 and engage an armature extending from or the exterior surface of fixture 12. Stated another way, *Bierman* apparently discloses structures that contact intermediate surfaces, that is surfaces that are not at the opposing ends of the tubing assembly. Like, *Gordon*, the multiple mechanisms illustrated in *Bierman*, are not arranged and there is nothing that suggests first and second ends of a sleeve that secure corresponding ends of first and second tubes to a tubing assembly junction.

For at least the reason that the proposed combination of *Gordon* and *Bierman* entirely fails to disclose, teach, or suggest at least the claimed combination of features of Applicant's claimed connector sleeve, claim 1 is not rendered obvious and is allowable over the proposed combination.

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Because independent claim 1 is allowable, dependent claims 2, 3, 5, 6, 8 - 14, 28, and 29, which depend either directly or indirectly from claim 1, are also allowable. *See In re Fine*, 837, F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Accordingly, Applicant respectfully requests that the rejection of claims 1 - 3, 5, 6, 8 - 14, 28, and 29 be withdrawn.

Applicant's independent claim 20 includes a housing configured to receive an assembled tubing assembly junction and engage respective elements of the assembled tubing assembly junction to restrict relative movement of a first tube and a second tube coupled by the tubing assembly junction. A first portion of the housing is configured to contact a first end surface of the tubing assembly junction and a second portion of the housing is configured to contact a second end surface of the tubing assembly junction. The proposed combination of *Gordon* and *Bierman* does not disclose, teach, or suggest at least these features of claim 20. Accordingly, claim 20 is allowable over *Gordon* and *Bierman*.

In this regard, *Gordon* (FIGs. 1 - 20) illustrates ribs 60 that traverse a trough-like section 58 of cradle 12. In operation, ribs 60 closely engage an annular ring coupled to a catheter hub 36 and a needle assembly 40. The closely spaced ribs 60 each contact a respective surface of the annular rings opposite from respective end surfaces of what becomes a junction. Thus, the ribs 60 are not arranged and *Gordon* does not suggest a first portion of the housing configured to contact a first end surface of the tubing assembly junction and a second portion of the housing configured to contact a second end surface of the tubing assembly junction. Stated another way, *Gordon* apparently discloses structures that contact intermediate surfaces, that is, surfaces that are not at the opposing ends of the tubing assembly. In this regard, FIGs 1, 2, 4, 8, 12, 14, 15, and 17 of *Gordon* all illustrate a tubing assembly that extends beyond the structures of the stabilizing fitting.

In contrast with *Gordon*, Applicant's connector sleeve comprises a first portion of the housing configured to contact a first end surface of the tubing assembly junction and a second portion of the housing configured to contact a second end surface of the tubing assembly junction.

Bierman does not remedy the failure of *Gordon* to disclose, teach, or suggest Applicant's claimed connector sleeve. Each of the multiple mechanisms illustrated in FIGs. 1 - 16 of *Bierman* are centrally located with respect to base 34 and engage an armature extending from or the exterior surface of fixture 12. Like, *Gordon*, the multiple mechanisms

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illustrated in *Bierman*, are not arranged and there is nothing that suggests that a first portion of the housing is configured to contact a first end surface of the tubing assembly junction and a second portion of the housing is configured to contact a second end surface of the tubing assembly junction.

For at least the reason that the proposed combination of *Gordon* and *Bierman* entirely fails to disclose, teach, or suggest at least the claimed combination of features of Applicant's claimed connector sleeve, claim 20 is not rendered obvious and is allowable over the proposed combination.

Because independent claim 20 is allowable, dependent claims 24 – 27 and 30, which depend either directly or indirectly from claim 20, are also allowable. *See In re Fine, supra.* Accordingly, Applicant respectfully requests that the rejection of claims 20, 24 - 27, and 30 be withdrawn.

II. Claim Rejections under 35 U.S.C. §103 - Claims 21 – 23

A. Statement of the Rejection

The Office Action further indicates that claims 21 – 23 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Gordon* in view of *Bierman*, further in view of *Graves et al.* (U.S. Patent No. 5,437,648), hereafter "*Graves*."

B. Discussion of the Rejection - Claims 21 - 23

Applicant respectfully submits that claims 21 - 23 are patentable for at least the reason that the proposed combination fails to disclose, teach, or suggest each feature in the amended claims.

As shown above, Applicant's independent claim 20 includes a housing that includes a first portion and a second portion. The first portion is configured to "contact a first end surface of the tubing assembly junction." The second portion is configured to "contact a second end surface of the tubing assembly junction along the tapered inner surface." The proposed combination of *Gordon*, *Bierman*, and *Graves* does not disclose, teach, or suggest at least these features of independent claim 20, from which claims 21 – 23 depend.

In this regard, *Graves* (FIGs. 1 – 8) illustrates a latch of a safety needle assembly. The latch 62 has a pivot arm hingedly mounted to the needle shield 52 for rotation about an axis

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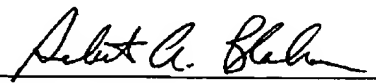
orthogonal to the needle cannula 50 within the needle shield 52. While, *Graves'* latch 62 contacts an end surface of a pierceable septum 46, *Graves'* latch 62 fails to disclose, teach, or suggest first and second portions of a housing wherein the first portion is configured to "contact a first end surface of the tubing assembly junction," and the second portion is configured to "contact a second end surface of the tubing assembly junction along the tapered inner surface." Accordingly, dependent claims 21 - 23, which depend from and include all the features of independent claim 20, are allowable over *Gordon*, *Bierman*, and *Graves* for at least the reason that at least these features cannot be found and are not suggested by the cited references. *See In re Fine, supra*. Accordingly, Applicant respectfully requests that the rejection of claims 21 - 23 be withdrawn.

CONCLUSION

In summary, Applicant respectfully requests that all outstanding claim rejections be withdrawn. Applicant respectfully submits that all pending claims 1 - 3, 5, 6, 8 - 14, and 20 - 30 are allowable over the cited art and the present application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully solicited. Should the Examiner have any comment regarding the Applicant's response or believe that a teleconference would expedite prosecution of the pending claims, Applicant requests that the Examiner telephone Applicant's undersigned attorney.

Respectfully submitted,

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